

Buffalo Forum



Local Publication of the
U.S. Marxist-Leninist Organization

Workers of all countries, unite!

IN THIS ISSUE:

- Refuse Receivership..... 1-6
- Justice for Eric Garner Means Targeting Racist Government..... 7-10
- Ban Fracking Everywhere..... 11-15
- School #6 Demonstration Says Refuse Receivership (photos) 16

July 17, 2015

Vol. 19 #7

An Open Letter to Superintendent Brown and the School Board

From a Speaker at School Board Meetings

Now that Commissioner Elia has determined that 25 Buffalo Public Schools will be taken over by a receiver, you, members of the school board and Interim Superintendent Brown have important decisions to make. You can submit to receivership and the chaos, uncertainty and disruption it will impose, or you can join in refusing. You can submit saying it is the law and nothing can be done, or you can, as an elected board, represent those who elected you and reject this brutal attack on your powers. I urge you to stand with the public and refuse. Recognize, as those who battled for civil rights, and women's rights, and immigrant rights have, that when injustice is law, resistance is duty.

No evidence has been presented by
Open Letter • 6

Fight for Equal Right to Education Means Refusing Receivership

Twenty-five Buffalo Public Schools have now been placed in receivership. This means a single non-elected person, the superintendent, who will be the receiver for now, has power to decide all significant matters. This includes budget, curriculum, testing, discipline, class size, teaching conditions and assignments, hiring and

CONSULTATION NOT ENOUGH

Receiver's Community Engagement Teams Solve No Problem

One of the first steps for Interim Superintendent Brown as the receiver for 25 school is to establish what are called "Community Engagement Teams," or CETs. The receivership law, passed as part of the budget in April, states that these CET's include teachers, parents, students and community members and

Community Engagement Teams • 5

firing, including firing all as a first step, and more. The receiver is accountable not to the public, but the New York State Education Commissioner, also an appointed position.

Given the segregation and inequality of Buffalo schools, it is no accident that

Refuse Receivership • 3

CHAOS CANNOT BRING IMPROVED SCHOOLS

Education Commissioner Dictates Receivership for Twenty-five Buffalo Schools

On July 16, the New York State Education Commissioner dictated that 25 Buffalo Schools (close to half the district) are now under superintendent receivership. She is implementing Governor Cuomo's attacks, passed as part of the budget. For what are now called "persistently

Receivership for 25 Schools • 4

SERVES WAR AND HARMS HEALTH AND ENVIRONMENT

Ban Fracking Everywhere

The federal Environmental Protection Agency (EPA) and the Bureau of Land Management (BLM) both once again have caved into demands of the military and energy monopolies (like Exxon/Mobil and Halliburton) to continue and expand the dangerous drilling

method of fracking. Fracking is a major source of air, water and land pollution and greenhouse gases — contributing to climate change — as well as a major health hazard (see p.12).

The drive of the military
Ban Fracking Everywhere 12

'STILL CAN'T BREATHE'

Actions Demand Justice on One Year Anniversary of Eric Garner's Death

Organizers in New York City held a week of actions on Staten Island and in the city to mark the anniversary of the racist police killing of Eric Garner and the broad struggle since then for justice. Actions

included a march on July 17, marking to the day his death one year ago, targeting the police station and county courthouse. Another one the following day targeted the

Actions Demand Justice • 8

***Support the
Building of the
Communist
Press!***

**Subscribe to
VOICE OF
REVOLUTION**

The national paper of the U.S. Marxist-Leninist Organization. VOR works to raise the level of political discussion in society by taking stands that provide a way forward, oppose the chauvinism and racism of the U.S. state, and advance the interests of the working class and people. VOR also reports on the organizing work to build the alternative by Creating Politics of Empowerment. Together It Can Be Done! Read, write and distribute VOR.

office@usmlo.org
www.usmlo.org

Buffalo Forum

The local edition. Send us your views, comments, letters, and reports on activities. *Buffalo Forum* will respond to all serious letters to further develop political discussion with its readers. We want to know what you think!

602-8077
buffaloforum@usmlo.org
www.buffaloforum.org

***Join in this
Vital Work!
Help Build the
Discussion!***

Subscriptions:

One year: \$65
Sustainer levels start at \$100
(Monthly payment plans available from your distributor.)

**Send check or money
order payable to:
USMLO, P.O. Box 331
Buffalo, NY 14209**

Twenty-Five Buffalo Schools Now Under Receivership

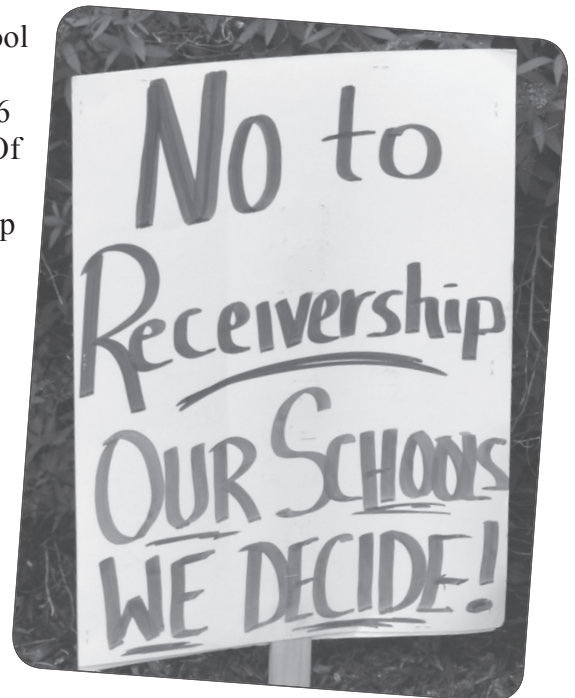
Education Commissioner MaryEllen Elia announced July 16 the schools that are now under receivership. According to the Commissioner, Buffalo has 5 “persistently struggling” schools and 20 “struggling schools.” All of these 25 schools are now under receivership and Interim Superintendent Darren Brown is required to create Community Engagement Teams, within 20 days, to “advise” him with no powers to decide anything. He must also hold public hearings and notify parents of students at these schools that the school is under receivership. These twenty-five schools are:

“Persistently Struggling”

- 1) Burgard Vocational High School PS#301
- 2) South Park High School PS#206
- 3) Buffalo Elementary School Of Technology PS#6
- 4) Marva J. Daniel Futures Prep School PS#37
- 5) West Hertel Elementary School

“Struggling”

- 1) Bennett High School PS#200
- 2) East High School PS#307
- 3) Lafayette High School PS#204
- 4) Mckinley Vocational High School PS#305
- 5) Riverside Institute of Technology PS#205
- 6) Bilingual Center PS#33
- 7) Build Academy PS#91
- 8) Dr Charles Drew Science Magnet PS#59
- 9) Dr. Lydia T. Wright School of Excellence PS#89
- 10) D’youville-Porter Campus PS#3
- 11) Early Childhood Center PS#17
- 12) Frank A. Sedita School PS#30
- 13) Harriet Ross Tubman Academy PS#31
- 14) Harvey Austin School PS#97
- 15) Herman Badillo Community School PS#76
- 16) Highgate Heights PS#80
- 17) Inter Prep School-Grover Cleveland #187
- 18) North Park Academy PS#66
- 19) Hamlin Park Elementary School PS#74
- 20) Waterfront School PS#95



I • REFUSE RECEIVERSHIP

receivership is being imposed on those schools branded failing, now “persistently struggling” and “struggling,” which are also mainly those with a majority African American population. They are also those with the more impoverished students.

As the recent report by Dr. Orfield brought out, “Double segregation by race and poverty are now dominant in the city and this is directly related to academic achievement...” The report states further that “In 2010 in Buffalo, the typical black and Latino students attended schools in which 83 percent of students were living in poverty, while the average white student in the city attended a school that was 71 percent poor.” Orfield added that for Buffalo and across the U.S. “very high poverty schools, most of which are also segregated nonwhite schools, rarely have equal educational outcomes.”

Clearly both economic and racial inequality are serious problems, which receivership does not even attempt to address. Indeed they are not considered problems. Instead receivership targets teachers as the problem — giving the receiver power to fire all and only rehire half. It also targets elected governance and the current drive for public control as a way forward. Instead dictate by one individual is seen as the solution, when evidence and experience point to the necessity for enhancing and expanding the role of the public in governance. Given receivership does the opposite, and does not address poverty and segregation, inequality will persist and worsen.

In addition, the “model intervention plan” the state will likely impose on receivership schools does not attempt to address inequality and institutional racism. Instead, main emphasis is being given to “growth” on state test scores, which themselves are skewed against the students and used to especially brand minority youth as failures. The receiver can also use such “measurable goals” as attendance, student discipline, and reduction in “achievement” gaps. Such quantitative data hides the quality of the



schools as unequal and impoverished. They also divert from the actual quality of education being provided based on the hard work and efforts of teachers, students and parents alike. As teachers and principals have emphasized, the data is not representative of the reality and puts students in an unequal position from the start.

Orfield brought out, “Concentrated poverty is linked to many factors that produce inequality including less stable enrollments, more untreated student health problems, more family and neighborhood challenges, many fewer educational resources in the home” and more. As just one example, it is estimated that 40 percent of Buffalo homes do not have internet access.

The Orfield report affirmed what many know, which is that segregated schools stem in part from segregated housing and both come from the institutional racism of the government. He gave both the history and current examples. Receivership takes as its starting point that the segregated, mainly minority schools are the ones least deserving of democracy and most

deserving of outside dictate. How will this lessen inequality?

Among his conclusions Orfield said, “Buffalo has many resources and an earlier history of success. What gives a school its magical powers is shared excitement of teachers and students about working together at challenging levels to achieve shared interests with the support of parents.” Receivership goes directly against this. How can there be shared excitement when school starts with the firing of principals, teachers and staff for no reason? How can there be working together when half the staff and teachers and principal are new and forced not to take up shared interests, but instead take up a testing regime that has been widely opposed?

Receivership is designed to precisely block “working together at challenging levels to achieve shared interests with the support of parents,” and replace it with pitting teachers and staff from each school against each other and forcing all to submit to plans decided by the receiver and Commissioner.

The fight for the *Equal Right to Education* demands refusing receivership and strengthening the initiative and independent efforts of students, parents, teachers and staff together to raise the quality of education. It requires rejecting institutional racism and standing as one for the rights of all. Poverty and inequality cannot be ignored when addressing how to raise the quality of our schools. Neither can the necessity not for a more narrow curriculum and endless testing, but for a modern education that provides conditions for thinking. Conscious participation in decision making is a critical for thinking and the flourishing of all as thinking human beings capable of solving social problems. A modern education requires that teachers, students, staff and parents together determine their interests and decide what is needed and how to accomplish it.

*Our Schools, We Decide!
Refuse Receivership!
Equal Right to Education for All!*

I • RECEIVERSHIP FOR 25 SCHOOLS

struggling schools” — five for Buffalo — the superintendent has one year to show “demonstrable improvement,” and for the “struggling schools” two years. This means that Interim Superintendent Darren Brown must now make use of the powers given to receivers to show improvement in that short timeframe. Indeed, a main criteria the Commissioner will use for deciding if improvement has occurred is whether the receiver has utilized his powers. The superintendent is also now accountable to the Commissioner, not the public.

After the one or two-year period, the Commissioner can demand that the school board remove the superintendent as receiver and appoint an “independent” receiver, who can be an individual or a non-profit organization or another school district (likely the superintendent of another school district). The Commissioner must approve such an appointment, just as the Commissioner approves, or disapproves, of actions by the superintendent receiver. In this manner, power is concentrated in the hands of appointed individuals (the Commissioner primarily, and her receivers secondarily), who are not elected and not accountable to elected governance. Power over these 25 schools is removed from the elected school board. The receiver, for example, decides budget, curriculum, discipline, testing regimes, school day and year, and hiring and firing.

Commissioner Elia was not required to designate all twenty-five schools at once for receivership, but has nonetheless chosen to do so. This necessarily means utter chaos for the schools involved and the district as a whole. Among the powers given to the receiver, which he is expected to implement are:

1) Firing all the existing teachers, staff and principal of the given school and requiring them to re-apply for their jobs. He is then only required to re-hire 50 percent of those fired, while the hundreds of teachers and staff who remain fired cannot apply for other positions in the district.

This means each of the schools will likely have a new principal, half if its teachers and staff will be new and many of the more senior staff, especially those who

have been opposing Governor Cuomo’s attacks on education, fired. If history is any judge, African American teachers will be fired at greater rates. Imagine the impact to elementary-age children to see their teachers fired for no reason, their principal replaced, staff gone, etc. Anyone striving to improve a school would not start by firing the teachers, staff and principal. It is a mechanism to further wreck public schools, not improve them.

2) Imposing a “receiver agreement” for each individual school. The superintendent may not chose such an action immediately, but he has the power to do so and will likely use it for at least some of the schools and perhaps all. The Commissioner also has the power to impose a final agreement, even against the vote of the teachers and staff involved.

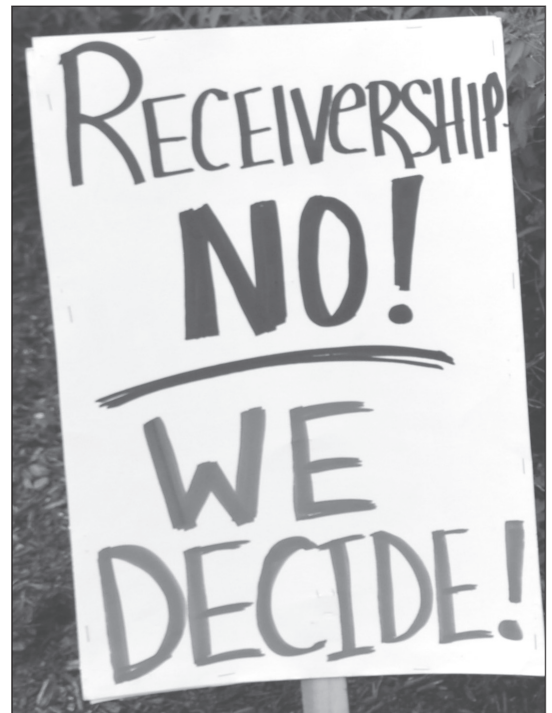
These agreements serve to weaken the collective district-wide strength of teachers. Worse working conditions for teachers means worse learning conditions for students. It is also a means to weaken the collective strength of parents and students. Instead of being part of a single school district, now each targeted school will be forced to fend for itself against a receiver and Commissioner with greatly increased powers. Again, those concerned with improving the quality of the schools seek to increase the role of parents and students, to empower them that further weaken and divide them.

3) Changing curriculum, disciplinary measures, class size, length of school day and year, teaching conditions and assignments, etc. It is conceivable that such issues will be different for each of the 25 schools, as decided by the receiver and approved by the Commissioner. It is also conceivable that given the limited time, the Commissioner will dictate to the receiver her own “model improvement plan” for all the schools. How can the receiver possibly resolve all these issues in a positive way for all 25 schools by September?

Imposing receivership on all

25 schools is designed not only to make matters far more disruptive and chaotic for students most in need of a consistent, calm and experienced workforce. It also serves to disrupt and divert the emerging public and its stand, *Our Schools, We Decide!* While Buffalo is not the only place under attack, after New York City (62 schools) it is hardest hit, with more schools targeted than Rochester (14) or Syracuse (18). As the last school board again indicated, it is also where solutions are being put forward, such as funding music and physical education for all; full state funding based on *needs*; eliminating the Common Core testing and evaluation regime and enabling teachers, parents and students to develop one for the district; and more.

Most importantly, Buffalo stands out as the city demanding the right of the public to decide, demanding public control of public schools. And by public we mean teachers, staff, students and parents together *deciding*. Consulting is not enough, as the existing situation already shows. It is decision making that is decisive and it is decision making that the Buffalo public continues to fight for. Receivership will not stop this fight, only bring to the fore its urgent necessity!



I • COMMUNITY ENGAGEMENT TEAMS

must include representatives with “direct ties” to the given school. The district, which likely means by the receiver, appoints them. The receiver can also remove at individuals anytime. They are not chosen by their peers, or elected on their merits, but rather appointed.

The law and Commissioner’s regulations go to considerable lengths to explain how consultation is to take place. The receiver is required to consult through meetings and in writing, including a hearing for each school. Consider how this is to happen for 25 schools by September. Just how extensive or serious can such consultation be? And why just consultation, why a CET with no power?

As the year progresses, the “CETs will review, assess and report on implementation of the school’s plan,” to the receiver. The CETs can also hold hearings to “solicit feedback.” The Commissioner will annually “consult and cooperate with the district, school staff, and CET” in deciding whether to keep the school in receivership. But all decisions are made by the receiver, based on approval by the Commissioner, who can dictate changes if she decides.

How does the superintendent or Commissioner, both new, know better than the parents, students, teachers and community members? Why divide and split the public according to individual schools, rather than unite them to address the district as a whole. Issues like inequality, poverty, racist suspensions, outdated and narrow curriculum are district-wide problems that require the collective strength of all concerned. Receivership, with its CETs instead dissipates this strength and sets schools against each other.



The CET exists to gain support for receivership. It functions only within the framework of implementing the plans and dictate of appointed officials, the receiver and Commissioner, who hold all the power.

We, the public, the teachers, staff, students and parents, and those we consider experts as they serve the public interest, are the experts, the most informed, knowledgeable and experienced. Yet we are relegated to helping the receiver put in place an undemocratic set up that excludes the public from decision making and removes the receiver from public accountability.

Given the various unsuccessful parent involvement mechanisms already in place in the district, it is likely that the CETs will not generate much enthusiasm.

Many already recognize their false character, where a lot of time and effort is spent putting forward proposals, only to see them ignored and/or dismissed. This is the repeated experience with elected officials, and will likely only be worse with appointed officials who are not accountable to the public. Further, as people have already experienced with the positive efforts to themselves engage the community and provide redesign plans for Bennett, Lafayette, East and MLK, the state simply refuses to accept them. Instead, these schools (with the exception of MLK) now face receivership.

The CETs as designed by the law will solve no problem, because the key ingredient of decision making by the public is removed. They are also a mechanism to force people to join in legitimizing receivership, when it has no legitimacy. Imagine being part of such a CET and having to explain to the teachers, staff, students and parents

that the plan is to fire everyone, increase the hated Common Core testing regime, increase class sizes, lengthen the school day, reduce and narrow curriculum, etc. How can being part of such attacks assist?

Receivership is no solution and assisting in imposing receivership by participating in CETs is no solution. Our time and energy are far better spent doing serious work to develop our own needs assessment, our own modern curriculum, our own methods for evaluating student and teacher progress. Let all stand firm with the demand that *We Decide!* by keeping initiative in our hands and advancing our own program of activity to raise the quality of our schools by fighting for the equal right to education for all.

Commissioner Elia Identifies 144 Struggling and Persistently Struggling Schools to Begin Implementation of School Receivership in New York State

New York State Education Department, July 16

State Education Commissioner MaryEllen Elia announced today that the Department has identified 144 schools in 17 school districts as Struggling Schools or Persistently Struggling Schools. Of the schools identified, 124 were identified as Struggling Schools and 20 were identified as Persistently Struggling Schools.

“In those schools designated as Persistently Struggling, there will be an unprecedented infusion of resources to support school turnaround efforts,” said Board of Regents Chancellor, Merryl H. Tisch. “This is an opportunity that communities must seize to come together to fundamentally rethink how these schools carry out their obligations to students and

families.”

“In these schools, whole generations of students have been left behind,” said Commissioner Elia. “As a former school superintendent, I know how important it will be for superintendents to use their new authority to develop robust plans to improve student performance. Superintendents have an obligation to act on conditions that have persisted for too long in these schools.”

In April 2015, the legislature and governor created a new section of State Education Law pertaining to school receivership. In June, the Board of Regents approved new regulations to implement the provisions of the law.

Struggling Schools are defined as schools that have been identified since 2012-13 as Priority Schools (i.e., among the lowest performing five percent of schools in the state). Priority Schools that have been in the most severe accountability status since the 2006-07 school year have been identified as Persistently Struggling Schools.

Under the receivership law, a school receiver is granted new authority to, among other things, develop a school intervention plan; convert schools to community schools providing wrap-around services; expand the school day or school year; and remove staff and/or require staff

Commissioner Elia Imposes Receivership • 7

I • OPEN LETTER

the state that receivership serves to raise the quality of public schools. No evidence exists that firing teachers, principals and staff, which necessarily also causes hardship on students and parents, solves any problem. Indeed it necessarily lowers the quality of education, as it removes consistency, experience, and love of teaching that a stable, coherent teaching staff provides. There is nothing to say that after firing teachers and rehiring only 50 percent of them, that the receiver will then turn to inexperienced people like the uncertified college graduates with Teach for America, or even decide non-certified teachers are acceptable. After all, the receiver dictates qualifications for the jobs.

Certainly, the powers given to the receiver to fire everyone and force them re-apply were included so they would be used. And in case there is doubt, the Commissioner's regulations state that one measure of school improvement will be “the degree to which the superintendent has successfully utilized the powers of a

school receiver...” How can such upheaval in staffing and for students give rise to improvement within one year?! I urge Interim Superintendent Brown to refuse such measures. I urge Superintendent Brown and the board to instead join in efforts to reject receivership and enable the public to decide.

At the most recent school board meeting, the public once again put forward some of its solutions to existing problems. These included providing music for all students and fighting for the state funding required for this. It included exposing that the so-called “data” for “improvement” are seriously flawed and do not provide an accurate picture of the quality and character of a given school, its principals and staff. Comments from and about South Park High, on the “persistently struggling” list, made this clear. Indeed, the data and preoccupation with quantity serves to hide the quality of education and staff and what is needed to raise it.

The demand to empower parents rather

then disempowering them, as receivership does, was also made. It is well-known that parent involvement plays a crucial role in raising the quality of schools. Yet apart from including a few parents appointed to the Community Engagement Teams, receivership serves to undermine parent participation and greatly limit it. Parents already have numerous ways to consult and do not need yet one more. What is needed is actual power to decide, to play their role as a decisive part of educating our youth.

Instead of submitting, I urge you to refuse. Take a public stand against receivership, in writing and at board meetings. Pass a resolution that speaks to why receivership is anti-democratic and harmful, or at least put one forward for the public benefit. Call for the Buffalo City Charter, which calls for elected governance of the public schools, to be upheld. Join the efforts being organized to *Refuse Receivership!* Stand up as elected officials and representatives of the public schools for *Public Control of Public Schools!*

INSTITUTIONS OF RACISM CANNOT OPPOSE RACISM

Cuomo Appoints State Attorney General As Prosecutor for Police Killings of Unarmed Civilians

Governor Cuomo used an executive order July 8 to appoint New York State Attorney General Eric T. Schneiderman as a special prosecutor for cases where police kill unarmed civilians. The order is valid for one year and does not include all police killings of civilians, only those of people unarmed or where Schneiderman determines there is a dispute about whether the person was armed or not. As the Governor stated, “The special prosecutor will kick in for cases where a law enforcement officer in the conduct of their duty kills an unarmed person, or a person where there is a significant question if the person was armed and dangerous.”

Schneiderman then formed a special unit of five state-level attorneys to investigate cases. Using his new authority, on July 15 he authorized local prosecutors to open investigations when police officers kill unarmed civilians, but prohibited them from giving immunity to any witnesses. The 62 county district attorneys (DA's) also cannot elicit related testimony before grand juries, which typically provides immunity from prosecution. They cannot make plea or cooperation agreements

with suspects. Schneiderman said he was responding to demands by the county DAs that investigations need to be started as soon as a killing occurs, while also addressing what he calls the public's “crisis in confidence.”

Governor Cuomo, speaking at the NAACP convention July 15, elaborated further. After listing a number of racist police killings in New York since the 1980's and a number of more recent police killings he said, “It is not new. It is just worse.” He added that it is necessary to address “The rash of police shootings against unarmed civilians, overwhelmingly African American, because this is the social schism that is breeding mistrust, disenfranchisement and alienation.” He said, “There is a pattern and the pattern spells distrust and the pattern spells a system that has lost the trust of many communities in this country.” He explained, “People distrust the state attorneys, the DAs, the prosecutors, from prosecuting the police because they believe the relationship is too close.” Then he concluded, “We can get to a place of justice, but we have to fight for it. It is a journey, but it is

a struggle, and a struggle that we have to make together.” He presented his appointment of a state attorney, Schneiderman, as special prosecutor, as the way forward.

What stands out is that the main concern the people have expressed, of wanting an end to racist police killings and government impunity for them, is not addressed. Indeed the word racism is not in the speech, nor is institutional racism named as a major source for the “pattern” Cuomo refers to. Nor do the people have a role to play. Cuomo's “together” means joining him and the existing machinery, known for its racism.

The concern of Cuomo and the rich more generally is not eliminating government racism. It is that with growing distrust and lack of confidence in the system — based on years of repeated experience and struggle against its ingrained racism and racist police forces — comes the recognition that a new system is needed. Racist institutions, such as New York State government and the federal government, cannot eliminate racism. This racism is necessary for their survival, for ensuring

Racist Institutions • 8

6 • COMMISSIONER ELIA IMPOSES RECEIVERSHIP

to reapply for their jobs in collaboration with a staffing committee.

In the 20 schools identified as Persistently Struggling, the superintendent first serves as the receiver and is given an initial one-year period to use the enhanced authority of a receiver to make demonstrable improvement on annual goals established by the Commissioner, including student performance. Absent demonstrable improvement, the Commissioner will direct the school board to appoint an independent receiver within 60 days. The Commissioner will work closely with the school board to ensure that the most qualified individual is identified and the appointment of all independent receivers must be approved by the Commissioner. Additionally, the

school will be eligible for a portion of \$75 million in state aid to support and implement its turnaround efforts.

Struggling Schools will be given two years under a “superintendent receiver” to make demonstrable improvement or the district will be required to appoint an independent receiver and submit the appointment for approval by the Commissioner. Independent receivers, who can be an individual, a not-for-profit organization, or another school district, have sole responsibility to manage and operate the school and have all of the enhanced authority of a school receiver. Independent receivers are appointed for up to three school years and serve under contract with the Commissioner.

As with Persistently Struggling

Schools, the independent receiver appointed by the district must be approved by the Commissioner, and the Commissioner will make the appointment if an acceptable receiver is not selected by the district.

Superintendents will now begin the process of creating community engagement teams to advise the superintendent regarding development and implementation of improvement plans. Superintendents will also hold public hearings regarding receivership and notify parents of the students who attend these schools regarding the school's receivership status.

For More Information Contact: Tom Dunn, Jonathan Burman, or Jeanne Beatrice at 518-474-1201.

I • ACTIONS DEMAND JUSTICE

federal courthouse in Brooklyn.

Signs and banners also condemned the many racist police killings that have occurred across the country, and the government impunity that ensures those guilty, from the top down, are not punished and usually not even charged. In addition, Mike Brown in Ferguson, Missouri, Tamir Rice in Cleveland, Ohio, Walter Scott in North Charleston, South Carolina, Freddie Gray in Baltimore and many more people were honored and remembered, as protesters demanded *Justice Now!*

On July 14, there was a banner drop at Grand Central Terminal, with banners reading, “#ItStopsToday” and “I Can’t Breathe.” Garner told police 11 times “I can’t breathe,” which they ignored while they maintained a chokehold and kept him pinned to the ground. He died as a result and the coroner ruled it a homicide, but no one responsible, including those at the top, has been charged. Various other actions also took place in different communities.

While the federal, state and local government have ensured that those responsible are not punished, New York City did agree to pay the family to settle a lawsuit. Garner’s family accepted a \$5.9 million settlement from the city, which Comptroller Scott Stringer said was not an admission of liability or guilt of any kind. The Garners stood with many others in saying the settlement is not the end of the fight. “Don’t congratulate us,” Gwen Carr, Garner’s mother, said. “This is not a victory. The victory will come when we get justice.” “This does not represent justice,” Erica Snipes, Garner’s daughter, said. The

various actions and on-going efforts also condemn the systemic character of government racism and police killings and the need for rights to be upheld.

The actions of the city itself show the racist character of police killings as one feature of government-organized racist attacks. For example, in 2004, while also insisting they were not responsible, the city agreed to pay \$3 million to settle a lawsuit brought by the family of Amadou Diallo, who was shot by four police officers in 1999. In 2010, the city paid \$3.25 million to the estate of Sean Bell, who was killed in 2006 while leaving his bachelor party. In January 2015, the city settled for \$3.9 million with the family of teenager Ramarley Graham, who was shot by a police officer in 2012. More than \$1 billion in public dollars paid, yet the racist killings persist as government impunity remains. All of those killed were black.

There are numerous other examples of racist police killings in the city. As Governor Andrew Cuomo admitted, “In 1983 Mario Cuomo [his father] takes office. Michael Stewart, a young graffiti artist, gets killed by six police officers. They get indicted, nobody gets convicted. Eleanor Bumpers is a grandmother. Police serve and eviction notice, they wind up killing her. Anthony Baez dies in a choke hold by a police officer after his football hit a patrol car. This is not new. It is not New York, it is nationwide and it is getting worse.”

It is getting worse because U.S. rulers have no solutions to social problems, like poverty and inequality, and must resort to use of force to keep themselves in power.

The racism of the U.S. state — including its governments and all its policing agencies and para-military terrorist organizations like the KKK — has imbued its very core since the beginning. The Constitution’s acceptance of slavery and inability to today stop these racist attacks is evidence of this. The continuation of police killings and refusal of government institutions to both end these crimes and hold all accountable for them, is further evidence of this reality.

As organizers across the country work to oppose government racism and impunity, and to achieve justice, it is becoming clear that the federal government cannot be relied on. It is the instrument, along with the military and policing agencies, for keeping the rich in power and the people out. The Justice Department has a long history of giving the appearance it can provide justice, while ensuring the injustice and racism of the system persists. This includes, for example FBI infiltrating the KKK to “stop it,” while in fact protecting it and arming it and ensuring its killings succeed. That was the experience during the civil rights movement and continues today, with policing agencies at all levels acting to keep a racist system in place.

The demand is not for intervention by the Justice Department, but rather for intervention by the people themselves — for the people to be empowered to decide. It is the people themselves who have solutions, including rejecting institutional racism and demanding an end to impunity, an end to use of force against the people and standing up for equal rights for all!

7 • RACIST INSTITUTIONS

they can keep the people from power.

This is further evident in the limitations of the executive order and the fact that the people are not in any way included. There is no mechanism for the people to hold their own tribunals, bring forth their evidence of government racism, brutality and terrorism, and hold all responsible accountable. That is what is needed, for the people themselves to decide. This is the instinct of the current movement against police killings, which is expressed

in the slogan “Indict the System.” Their direction is increasingly standing for equal rights and developing their own mechanisms of struggle and accountability.

The appointment of Schneiderman is designed to block this direction and promote reliance on the state and federal governments. It is also a mechanism for the state to take power from county and city governments, something occurring in general as arrangements of governance are more and more concentrated in the hands

of a few executive level officials, like the president and Governors. This concentration of power is an anti-democratic direction and serves to further increase government racism and inequality. It is directed at removing the people from a role in governance when they are the only force that can be relied on to oppose government racism. The way forward is strengthening these independent forces of the people under the banner *No to Government Racism, Yes to Equal Rights for All!*

Cuomo's Unkept Justice Promise

Gwen Carr, Constance Malcolm, New York Daily News, July 6, 2015

Governor Cuomo may be a skilled political operator, but sound public policy that protects the lives of our children and achieves equal justice needs to be placed above any political deal making or appeasement.

Nothing will ever fill the void in our lives or heal the pain from our sons, Eric Garner and Ramarley Graham, being killed by police officers.

After being forced to live through the nightmare of burying our children, the failure of the justice system — through local district attorneys — to hold officers accountable exacerbated that pain and suffering.

Too many New York families continue to suffer due to this police brutality epidemic. Even in cases with video evidence, local DAs have failed — an abysmal track record that spans decades. This historic lack of police accountability is not a question of some individual district attorneys being good and others being bad. It is a systemic problem that needs a systemic fix.

There is an inherent conflict of interest when district attorneys are called upon to prosecute police officers who kill and brutalize New Yorkers, because DAs are entirely dependent upon police departments for their success on a daily basis.

Cuomo can take a critical step towards changing this, helping to prevent other families from experiencing what we did.

But it is important that he get it right.

We told this to the governor weeks ago when several families, whose loved ones had been unjustly killed by police across New York, met with him to urge he sign an executive order to authorize creation of a special prosecutor for all police killings.

While Cuomo has announced he intends to issue this executive order, he has begun to backtrack in his public comments about what the special prosecutor will cover and the length of time it will exist. On two occasions, he's said the special prosecutor would only last a year (which the governor's office says is the longest an executive order can last before it needs to be renewed), and once he said it would only cover cases where the person killed was unarmed.

Those words are inconsistent with the commitment Cuomo made to the two of us



and to other families who have lost loved ones to unjust police killings.

In our meeting with him, he pledged that if the state Legislature failed to enact his proposal during the legislative session that he would issue an executive order authorizing the appointment of the special prosecutor we had been proposing — one that covers all police-involved killings and does not have a pre-set time limit.

It is now time that the governor fulfill his responsibility to us and the people of New York to uphold equal justice for all by issuing the executive order he promised.

Deciding in advance that a special prosecutor will last one year sends the wrong message. This problem is systemic and long term; it will not be resolved in one year.

Cuomo's latest backtracking, to limit the special prosecutor to cases where the person killed by the police was unarmed, is also problematic.

We know that whether or not someone is in fact armed and dangerous is often in dispute. The killing of Walter Scott in South Carolina, and the false initial police reports that he was fighting the police officer and had gained control of that officer's Taser is a clear demonstration that police departments' accounts can drastically differ from what actually happened.

The law does not empower police officers to act as judge, jury and executioner.

A special prosecutor needs to be able to independently investigate all killings and make his or her own determination

on whether to proceed, not be limited by restrictive language in an executive order.

The loopholes that Governor Cuomo has suggested are bad public policy.

President Obama's task force on 21st Century policing — which included police commissioners and law enforcement experts — did not include such loopholes in its recommendation for independent prosecutors in police killings, and neither should Cuomo's executive order.

While the new special prosecutor won't be retroactive to provide justice in the killings of our sons, getting it right can help provide justice for other families.

For New York's black and Latino communities, this is not politics. It is life and death.

The time is now come for Cuomo to be a national leader and implement police accountability reforms that can make a real difference for families throughout our state.

Governor, fulfill your promise to us and the other families of New Yorkers killed by police and issue the right executive order: one authorizing an ongoing and adequately resourced special prosecutor for all police killings.

(Gwen Carr is the mother of Eric Garner, who was killed by police in 2014 on Staten Island; Constance Malcolm is the mother of Ramarley Graham, the unarmed Bronx teenager who was killed in his home by police in 2012.)

POLICE KILLINGS HEADED FOR 1,100 IN 2015

African Americans Twice as Likely to Be Killed By Police

The Guardian, July 1, 2015

Of the 547 people killed by police according to The Counted, 478 were shot and killed – and more than 20 percent were unarmed. Police in the United States are killing people at a rate that would result in 1,100 fatalities by the end of this year, according to a *Guardian* investigation, which recorded an average of three people killed per day during the first half of 2015.

The Counted, a project working to report and crowdsource names and a series of other data on every death caused by law enforcement in the U.S. this year, found that 547 people had been killed by the end of June.

In total, 478 of those people were shot and killed, while 31 died after being shocked by a Taser, 16 died after being struck by police vehicles, and 19 – including 25-year-old Freddie Gray in Baltimore – have died after altercations in police custody.

When adjusted to accurately reflect the U.S. population, the totals indicate that black people are being killed by police at more than twice the rate of white and Hispanic or Latino people. Black people killed by police were also significantly

more likely to have been unarmed. [...]

The U.S. government does not currently keep a comprehensive record of people killed by police. Instead the FBI runs a voluntary program for law enforcement agencies to submit numbers of “justified homicides” if they choose.

When the federal government last published a full year’s worth of data, it found 461 “justifiable homicides” by law enforcement for the entirety of 2013; at the current crude rate, the *Guardian*’s count has law enforcement on track to kill 1,109 people in 2015. [...]

Over a period spanning from 2003 to 2009 and for 2011, the FBI counted 383 such homicides as an annual average. The actual average, as estimated by a March study from the Bureau of Labor Statistics which even that agency’s accountability researchers admit is incomplete, was 928. [...]

Of the 547 people found by the *Guardian* to have been killed by law enforcement so far this year, 49.7 percent were white, 28.3 were black and 15.5 percent were Hispanic/Latino. According to U.S. census data, 62.6 percent of the population is white, 13.2 percent is black and 17.1

percent is Hispanic/Latino.

More than one in five of those killed so far in 2015 – 119 people in all – were unarmed. While 31.6 percent of black people killed were found to be carrying no weapon, that was true for only 16.5 percent of white people. This stark disparity has stayed roughly constant since The Counted began publishing at the beginning of June.

A total of 76 people have been killed since The Counted was first published – the lowest monthly total so far this year. Of these, 67 people were shot, three had been shocked by a Taser, three were struck by police vehicles and three died in custody following altercations with officers.

While 71 of the people killed in June were men, five were women. Thirty-three were white, 19 were black, 16 were Hispanic/Latino, one was Native American, and one was Arab American. The racial and ethnic backgrounds had not yet been established in six cases.

Thirteen of the people killed – roughly one in six of the total – were unarmed. Six of the unarmed were black and six were white. One was Hispanic/Latino.

Unjust Detention Continues at Guantánamo

The large majority of the hundreds of people detained at Guantánamo were not guilty of any crime but were detained and tortured for years. A number also saw the U.S. Supreme Court rule that they must either stand trial or be released. Ignoring these rulings, the President has simply refused to release them. Only five of the 780 or more people detained at Guantánamo since 2002 have been convicted and sentenced by a military tribunal as war criminals. There are two men among the remaining 116 people indefinitely detained who have pleaded guilty to war crimes, but they have not been sentenced. There are six people formerly held by the CIA who await

trials by military commission, with the possibility of death sentences.

The legitimacy of the military tribunals has also been repeatedly called into question. For just one example, Ali Hamza al Bahlul, of Yemen, at Guantánamo since 2002, was finally tried and convicted by a military tribunal in 2008. He was charged with conspiring with al Qaida, solicitation and providing material support for terror and sentenced to life in prison after a four-day trial. He refused to recognize the legitimacy of the tribunal and thus made no attempt to defend himself.

Civilian courts vacated Bahlul’s convictions in two sets of rulings that

found the charges, as prosecuted, did not constitute war crimes and thus a military tribunal had no jurisdiction in the case. A federal appeals court in Washington, D.C., struck down his last conviction, on conspiracy, June 12. The federal government has so far refused to use the civilian courts and refused to release Bahlul. He remains in solitary confinement at Guantánamo.

Various other people, from Australia, Sudan, and Yemen, whose convictions were also overturned, were eventually released — all with no apology, no reparations, nothing for the crime of being indefinitely detained and often tortured.

Federal Agencies Ignore Environmental Health Risks for Millions of Prisoners

Mike Ludwig, Truthout, July 15, 2015

The US government is considering two sites for a federal prison camp in Letcher County, Kentucky. One site hosted strip mining for years, and the other has been “significantly impacted” by mountain removal mining, which involves blasting off the tops of mountains to expose coal seams.

It is well known that strip mining pollutes local waterways, and communities near mountaintop removal sites suffer from higher rates of heart disease, and have generally poorer mental and physical health than others in Appalachia. The Bureau of Prisons’ (BOP) draft environmental analysis of the project, however, addresses the issue of several endangered species of bats but says nothing about the potential impacts that the old coal mines could have on the health of the 1200 humans who will be living inside the prison, according to an analysis by Truthout and the Human Rights Defense Center (HRDC).

Human rights and environmental advocates say the BOP should know better, considering that a state prison in Pennsylvania is currently awash in controversy over allegations that pollution from a toxic coal waste dump surrounding the facility is making its prisoners seriously ill.

HRDC director Paul Wright said the federal government has a lengthy history of building prisons on abandoned mines, toxic waste sites and military bases, endangering both prisoners and staff at the facilities. Prisons, he said, are often built on land that no one wants. Landowners see deals with the BOP as a last-ditch attempt to redevelop their property, and members of Congress see them as an opportunity to funnel federal money into their home states.

“The thinking is, the only people we can get to live here are the ones we are bringing here at gun point and keeping here at gun point,” Wright said.

Environmental Justice Lip Service



In 1994, President Bill Clinton issued an executive order requiring all federal agencies to consider the environmental and human health impacts of their actions on low-income communities and communities of color. Since then, advocates say, federal agencies have paid plenty of lip service to “environmental justice” — the idea that environmental policies must incorporate input from those they affect and treat marginalized people fairly — while continuing to permit policies that have allowed hazardous industries to operate almost exclusively in poor communities and disproportionately pollute communities of color.

The prison industry is a perfect example. Prisons are often built near low-income communities like Letcher County, where some see the proposal as an opportunity to fill the economic vacuum left by the coal industry. The HRDC’s Prison Ecology Project reports that, from 1999 to 2011, a “prison initiative” at the Environmental Protection Agency (EPA) resulted in a long list of violations levied against prisons. More recently, whistleblowers and watchdogs have revealed systemic pollution and environmental health problems connected to prison industries. In 2014, environmentalists in Alabama successfully stopped a state prison from dumping sewage in local waterways after years of protest and litigation.

It is true that prisons can pose a health threat to those who live near them. But what about those who live in them? Prisoners clearly meet the “environmental

justice” criteria set forth by President Clinton. In all 50 states, people of color are over-represented in the prison system, and the vast majority of prisoners are poor, according to the Prison Policy Initiative. Nationally, incarceration rates among Black people are five times higher than among whites, and Hispanics and Latinos are nearly twice as likely to be incarcerated as white people.

The EPA, however, recently admitted to the Prison Ecology Project that prisoners are not considered in its environmental justice policies, because those policies are based on census data that does not include prisoners.

“Ironically, prisoners are frequently counted for the purpose of gerrymandering voting districts,” Wright said in a statement. “So, why are we missing the mark in terms of environmental protections for those forced to live inside toxic prisons, such as facilities built on coal mining sites or waste dumps?”

EPA’s Environmental Justice “Window Dressing”

The EPA issues federal air and water permits, but it is not the only agency involved in constructing and regulating prisons. The EPA does, however, lead an interagency working group on environmental justice that sets standards for the rest of the federal government. On June 15, the EPA released the draft framework of its environmental justice agenda for the next five years, and advocates said the agency has a long way to go.

“At EPA, environmental justice has

Health Risks for Prisoners • 13

Hydraulic Fracturing Linked to Increases In Hospitalization Rates in the Marcellus Shale

University of Pennsylvania School of Medicine, July 15, 2015

Hospitalizations for heart conditions, neurological illness, and other conditions were higher among people who live near unconventional gas and oil drilling (hydraulic fracturing), according to new research from the University of Pennsylvania and Columbia University published this week in *PLOS ONE*. Over the past ten years in the U.S., hydraulic fracturing has experienced a meteoric increase. Due to substantial increases in well drilling, potential for air and water pollution posing a health threat has been a concern for nearby residents.

To address this issue, researchers from two Environmental Health Science Core Centers (EHSCC) of the National Institute of Environmental Health Sciences — the Center of Excellence in Environmental Toxicology (CEET) at Penn's Perelman School of Medicine and the Center for Environmental Health in Northern Manhattan at the Mailman School of Public Health, Columbia University, examined the link between drilling well density and healthcare use by zip code from 2007 to 2011 in three northeastern Pennsylvania counties.

Using databases that contained over 198,000 hospitalizations (which includes multiple hospitalizations for the same person), the team examined the top 25 specific

medical categories for hospitalizations, as defined by the Pennsylvania Health Cost Containment Council. They associated these categories with residents' proximity to active wells. Two of the counties — Bradford and Susquehanna — saw a significant increase in drilling activity over this time period, while the control county, Wayne, experienced no drilling activity due to a ban on drilling in that county because of its proximity to the Delaware River watershed.

"This study captured the collective response of residents to hydraulic fracturing in zip codes within the counties with higher well densities," said senior author Reynold Panettieri, Jr., MD, a professor of Medicine and CEET deputy director. "At this point, we suspect that residents are exposed to many toxicants, noise, and social stressors due to hydraulic fracturing near their homes and this may add to the increased number of hospitalizations. This study represents one of the most comprehensive to date to link health effects with hydraulic fracturing." The authors caution that more study is needed to determine how specific, individual toxicants or combinations may increase rates. [...]

Their findings revealed that cardiology and neurologic inpatient prevalence rates (the proportion of a population found to have been hospitalized per 100 residents

per year) were significantly higher in areas closer to active wells, as determined by the proximity of wells to a person's home and their density as defined by the number of active wells per square kilometer. In addition, increased neurologic inpatient prevalence rates were associated with higher well density. Hospitalizations for skin conditions, cancer, and urologic problems were also associated with the proximity of dwellings to active wells.

The team found that 18 zip codes had a well density greater than 0.79 wells per square kilometer, and residents living in these zip codes were predicted to have a 27 percent increase in cardiology inpatient prevalence rates for each year this specific active well density existed compared to Wayne County residents where there is no drilling. The researchers aim to look at specific types of health problems within these broad categories in the future. [...]



I • BAN FRACKING EVERYWHERE

monopolies for more fracking is in part tied to efforts to ensure the U.S. has sufficient energy resources on the home front for world war. Fracked oil and natural gas from the U.S., Canada and Mexico serves this aim.

The Pentagon is already the single largest source for green house gas emissions, stemming from their massive use of oil for bombers, spy-planes, etc. They are also a major consumer, providing billions in public dollars to the military and energy monopolies.

It is not accidental then that despite widespread and growing demands to ban fracking, federal agencies are instead

making it possible to expand fracking. The EPA for five years did a study on whether fracking causes water pollution and now claims it does not cause "systemic" pollution. This despite the direct experience of those living with water they cannot drink or even bathe in as a result of fracking. And numerous studies by experts of various kinds documenting the water pollution as well as the grave impact on health. It is also not an accident that Halliburton, in 2005, secured legislation that exempts fracking from already existing laws, such as the *Clean Air Act* and *Clean Water Act*.

Experience makes clear that the federal government and its agencies and regulations

do not protect the public interest. Indeed, these public institutions are being taken over by private interests and used directly against the public, as the continuation of fracking on public lands and elsewhere shows.

Fracking serves war, contributes to climate change and greatly poisons and pollutes the air, water and land while harming the health and well-being of the public. Concerted organized efforts of various kinds across the country have achieved fracking bans in many cities and towns, as well as the entire state of New York. People continue to step up this struggle, relying on their own efforts to *Ban Fracking Everywhere!*

EPA Caves to Oil and Gas Industry

Food and Water Watch

There is no denying that fracking contaminates drinking water. Yet the Environmental Protection Agency's recent drinking water study downplays the severity of fracking's impacts and could be used to allow the spread of fracking across the country.

The EPA has a responsibility to protect the health and well-being of the American people, but their draft study is a failure. Fracking, or hydraulic fracturing, is the destructive process of extracting oil and gas from deep underground by injecting millions of gallons of fracking fluids — a mixture of water, sand and chemicals, including known carcinogens — into a well to create pressure to crack open rocks underground to release the oil and gas. The EPA has been studying the impacts of fracking on drinking water for the last five years.

The EPA's top-line finding was very different than what the assessment actually found. The headlines stated that fracking does not cause "widespread, systemic

impacts on drinking water resources." But in reality, the EPA was unable to convince any fracking companies to cooperate in the study, yielding very incomplete results. Without being able to test water before, during and after fracking near fracking sites, the EPA is in no position to claim that water contamination from fracking is not "systemic."

And in addition, the EPA study did indeed identify numerous harms to drinking water resources from fracking. But the EPA discounted these everyday harms as not "widespread and systemic," allowing the industry to have a field day claiming that fracking is finally proven safe. We are already encountering lawmakers who are saying "even the EPA says fracking does not threaten water supplies" thanks to the industry-led media spin on this report.

This is not the first time the EPA has caved on fracking. They have also dropped investigations into drinking water contamination from fracking in Dimock, Pennsylvania, Parker County, Texas and

Pavillion, Wyoming and have refused to meet with families directly impacted by fracking. It is appalling to see the EPA chalk up the experiences of those who have been living with contamination as nothing more than collateral damage — everyone deserves clean drinking water.

Putting a resource as precious and universally important as drinking water at risk is simply unacceptable, and the EPA, which is charged with protecting Americans from environmental risk, should be working to do everything it can to safeguard these vital water resources.

The EPA needs to protect the people, not the polluting oil and gas industry. This study on fracking's impacts on drinking water is far too important to leave up to voluntarily provided data from the very corporations that profit from fracking. The EPA is currently asking for public comments on their draft fracking assessment. We need to make sure the public continues to weigh in to counter the industry spin. Join efforts to ban fracking everywhere!

II • HEALTH RISKS FOR PRISONERS

devolved into aspirational window dressing," said Jeff Ruch, director of Public Employees for Environmental Responsibility. "EPA's ongoing failure to put some teeth into this program only perpetuates environmental injustice."

Ruch said that the agency has yet to take promised steps to enable communities to defend themselves from polluting industries, and the vague agenda does little to specially address the EPA's stated goal of making "a visible difference in environmentally overburdened, underserved, and economically distressed communities."

While environmentalists like Ruch are pushing the EPA to pursue a meaningful environmental justice agenda, activists at the intersection of prison issues and environmental health issues are demanding that the agency include prisoners in its agenda.

"It's encouraging to see the EPA

attempting to increase the effectiveness of protecting vulnerable communities that have been overburdened by industrial pollution, but a significant component is missing when impacts on millions of prisoners and their families are ignored," said Panagioti Tsolkas of the HRDC's Prison Ecology Project, which submitted comments on the EPA's draft agenda on July 14.

The BOP, on the other hand, has never considered its own prisoners under the federal environmental justice guidelines for preparing mandatory impact analyses for new facilities and other big projects, according to the HRDC.

In its environmental analysis for the Letcher County prison camp, the BOP claims that the facility is needed to reduce overcrowding in other regional facilities, and the facility will house prisoners from the region, making it easier for family members to make visits. The

HRDC, however, points out that most prisoners — and their families — come from urban areas, not remote rural areas like Letcher County.

The BOP's analysis, which is required under federal law, lays out three options called "alternatives" for the project: build the prison at the strip mine site, build it at the mountaintop removal site or do not build the prison in Letcher County at all. If the government took environmental justice seriously, however, it would have to consider alternatives to locking up so many poor people and people of color in the first place — and that is exactly where prison justice activists and environmentalists are increasingly finding common ground.

"America has chosen the police state solution for a bulk of its ills, and no matter what your issue is, there is a prison or criminal justice intersection," Wright said.

Kentucky's Anti-Fracking Movement Deals Setback to Pipelines

Kelley Davidson, July 14, 2015

Some recent victories against powerful energy companies have given environmental activists in Kentucky a reason to celebrate. In late May, Bluegrass Pipeline LLC was denied eminent domain by the Kentucky Court of Appeals following a legal battle against environmental lawyer and renowned activist Tom FitzGerald, whose efforts succeeded in blocking a natural gas transport line across 13 Kentucky counties.

FitzGerald, representing a group of concerned citizens called Kentuckians United to Restrict Eminent Domain, or KURE, managed to stave off a deal that would have transported gas fracked from Ohio, Pennsylvania and West Virginia through hundreds of miles of state farmland, and heading all the way down to the Gulf Coast.

Because the Bluegrass Pipeline would be of no use to Kentucky consumers themselves, the court emphatically stated that “the pipeline cannot be said to be in the public service of Kentucky,” and therefore the company could not declare eminent domain over the private property of Kentucky landowners. [...]

Kentucky Resists Fracking

Since early January, Central Kentucky citizens have been organizing, whistle blowing, and loudly stating their opinions

about the dangers of fracking. Frack-Free Foothills, an organization founded in Berea, Kentucky, is coordinating workshops to teach people how to sample their water supplies for fracking-related pollutants, then send the samples to independent labs. These “watershed watches” are effective against the kind of data manipulation that coal companies have been guilty of in the past - and are now seen as vital to prevent natural gas companies from doing the same.

The pushback against gas company interests in Kentucky over the past six months has been the direct result of more community involvement. Many Central Kentucky counties have adopted anti-fracking resolutions since the EPA released a study correlating fracking with groundwater contamination. [...]

Beyond Bluegrass

Kentucky is home to great biological diversity, geological anomalies included. Beneath Kentucky's rare mixed mesophytic forests lie vast Karst geography - a system of caves, sinkholes and drainage systems formed over time by the dissolution of sedimentary rock. In layman's terms, most of Kentucky's underground landscape resembles Swiss cheese.

This fragile geological foundation is easy to destroy, and the drilling and pressurization involved in the creation of the pipeline could be disastrous for such a fragile geological environment. If enough damage was done, massive cave-ins could be possible all over the Western half of the Bluegrass.

Although the pipeline company may attempt a rehearing at the Court of Appeals, the decision has bought activists in Kentucky valuable time to educate



fellow citizens about resource extraction practices in the state — and to continue organizing and gathering opposition to companies like Bluegrass and others.

The court's ruling also quashed another energy company's attempt to unlawfully declare eminent domain against land-owning Kentuckians. Kinder Morgan Energy Partners began sending letters to citizens in Central Kentucky late last year, warning them that the company would be taking steps to enact eminent domain on private properties in order to “repurpose” a 72-year-old natural gas pipeline into a vessel for transporting hydraulic fracking waste.

The pipeline, which experts say isn't built to withstand the massive pressure needed to transport the waste from Pennsylvania to Louisiana, could cause immense damage to the surrounding counties if a leak occurred. Natural liquid gas and fracking waste are highly flammable - meaning even a small leak would pose a serious threat to people and the environment.

According to Madison County Magistrate John Tudor, “liquid gas is so volatile that transmissions from emergency radios or cell phones can trigger an explosion.” And thanks to the May ruling by the Court of Appeals, Kinder Morgan will not be allowed to follow through with its plans.

The battle against fracking — and the public's demand for clean water and a safe environment — is only heating up.



Ban Fracking on U.S. Public Lands

Despite widespread public opposition, the Obama administration allows fracking on many of our federal public lands, including lands around national parks. Fracking has already caused serious damage to our public lands. By the end of 2014, oil and gas companies had leases on more than 34 million acres of public land, and more than 200 million more acres are currently being targeted for drilling. In March 2015, the Bureau of Land Management released new regulations for fracking on public lands, but these rules do not protect these lands, adjacent national parks or nearby communities from the harmful effects of fracking. These lands were preserved for the use and enjoyment of all Americans, but increasingly, the oil and gas industry is looking to develop our public lands for their profit.

No amount of regulation will protect us or our public lands from the impacts of fracking. Regulated fracking still results in harm to people's health, accidental spills of toxic waste, air pollution, earthquakes, drinking water contamination, habitat destruction and worsening climate change.

The only way to protect ourselves and our land from the risks of fracking is to ban it altogether.

What Is Fracking?

Fracking means more than just the process of injecting large volumes of water, sand and chemicals deep underground, at extreme pressure, to create fractures in rock formations so that tightly held oil and gas can begin to flow.

Fracking is what has the oil and gas industry:

- fragmenting forests and marring landscapes
- competing with farmers for sometimes scarce water supplies
- causing thousands of accidents, leaks, fires and spills each year
- killing people working at well sites
- producing large volumes of toxic and even radioactive waste
- pumping hazardous pollutants into the air
- risking vital underground sources of drinking water

- derailing explosive, mile-long oil trains near cities and along great rivers
- inducing swarms of earthquakes
- destabilizing the climate on which we all depend and
- disrupting communities across the country.

Fracked communities face health problems, clogged and damaged public roads from heavy-truck traffic and other demands on emergency and other social services, reduced property values, and an unavoidable legacy of industrial pollution. Long after local fracking booms turn bust, and the industry has left town, established sectors of local economies, such as agriculture and tourism, will struggle to recover.

For all of the above reasons, jurisdictions across the country are passing bans and other measures to protect their communities from fracking. [On the basis of repeated and broad resistance] the state of New York and the city where modern fracking began, Denton, Texas, have banned the practice.

Cumulative emissions of greenhouse gases — primarily carbon dioxide and methane — that come from extracting and burning oil and gas are a primary cause of global warming. [The Pentagon, with its non-stop use of bombers and spy-planes, is the single largest source of such emissions — BF Ed Note.]

Today, climate science is clear that almost all of the world's proven oil and gas reserves, and all of the additional "unproven" resources being targeted with fracking, must stay underground, unburned.

It is time for U.S. federal policy to recognize and accept the urgency of climate science, and to ban fracking on federal lands [and everywhere].

Fracking's Footprint on Public Lands

Fracking on public lands does more than exacerbate climate change. In 2014, companies drilled 2,544 new onshore oil and gas wells on federal land, led by 702 in New Mexico, 665 in Wyoming, 457 in Utah, 229 in Colorado, 210 in California and 174 in North Dakota.

According to the Bureau of Land Man-

agement (BLM), almost 90 percent of wells on federal lands are fracked. Regulators are inspecting less than half of the wells that they identify as having a high risk of environmental impacts.

For perspective on the resulting pollution, the drilling and fracking of 2,000 new wells each year means that:

- more than 2 billion gallons of water — about 3,000 Olympic-sized swimming pools worth — is mixed with chemicals and injected beneath public lands each year
 - more than 200 million gallons of liquid wastes — or over 36,000 truckloads full, assuming 130-barrel tanks — are brought to the surface on public lands each year, with no safe disposal options
 - about 100,000 gallons of liquid wastes — or over 18 truck-loads full, assuming 130-barrel tanks — are likely spilled onto public lands each year
 - more than 40 new wells each year likely have initial well integrity problems, due to flawed cementing and casing, and an additional 200 wells each year could, within a decade, develop signs of potential leaks.
- Further, the production of oil, natural gas and natural gas liquids (propane, butane, etc.) from federal public lands in 2013:
- brought to the surface about 60,000 tons of highly carcinogenic and volatile benzene, and similarly large amounts of toxic toluene, ethylbenzene and xylenes
 - released at least 57,000 pounds of this benzene, and 70,000 pounds of toluene, ethylbenzene and xylenes combined, into the air
 - led to more than 292 million tons of carbon-dioxide equivalent greenhouse gas emissions — roughly the amount that 61 million cars emit in a year.

Overall, according to a study commissioned upon passage of the Energy Policy Act of 2005 (ushered into law by former Halliburton CEO and then-Vice President Dick Cheney, which exempts fracking for federal regulations like the Clean Air Act), there are more than 200 million additional acres beneath federal public lands that hold oil and gas potential and that thus also may be targeted with fracking in the future. (*Food and Water Watch*)

SCHOOL #6 DEMONSTRATION SAYS: REFUSE RECEIVERSHIP

